

Budget Officer

25 May 1949

Definition of Workday with Relation to Holiday

STATSPEC

1. The memorandum for Comptroller General of the United States in regard to subject prepared by the [REDACTED], and forwarded to this office with your comments on memorandum dated 18 February 1949 has been reviewed and discussed at length with Messrs. [REDACTED] and [REDACTED].

STATINTL

2. The inquiry raised the case in point of [REDACTED] of this agency, whose regularly scheduled tour of duty began at 11:30 P.M. on Sunday and ended at 8 A.M. on Monday (including lunch period). During 1948, [REDACTED] was required to work on the days 22/23 February, 30/31 May and 4/5 July, each of which was a Sunday-Monday combination in which Sunday was an official holiday. In keeping with existing regulations and orders, this Agency ruled that the portion of work performed before midnight on each of the Sunday holidays entitled [REDACTED] to one half hour of holiday compensation for 22 February, 30 May and 4 July, but disqualified him for 7 1/2 hours of holiday compensation for work performed on the following Mondays. [REDACTED] indicated informally his desire to appeal the ruling on the ground that a single continuous shift should be regarded as work performed on a single calendar day and therefore compensated on these three occasions at the holiday rate.

3. The applicable basic law is Section 302, the Federal Employees Pay Act of 1945, as amended. This is amplified by Executive Order 9636, dated October 3, 1945, providing for observance of holidays falling on Sundays, which states in pertinent part:

"Section 3. In administering the provisions of law relating to pay and leaves of absence, the Monday referred to in section 2 of this order shall be treated as a holiday, subject to the following exceptions:

(a) In the case of employees whose regularly scheduled basic work week includes both the Sunday and the Monday referred to in section 2 of this order, either day, as determined by the head of the department, agency, or corporation concerned, but not both days, shall be treated as a holiday.

(b) In the case of employees whose regularly scheduled basic workweek includes the Sunday but not the Monday referred to in section 2 of this order, only the Sunday shall be treated as a holiday."